

MESSAGE NO: 4050301

MESSAGE DATE: 02/19/2014

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: LIQ-Liquidation PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE: OUTSCO-Out of Scope

FR CITE:

FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-570-504

EFFECTIVE DATE: 02/19/1986

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED:

TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Antidumping duty scope determination on petroleum wax candles from the People's Republic of China (A-570-504)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 5 below.

1. Commerce received a scope ruling request from HSE USA, Inc. ("HSE"). Commerce issued a final scope determination on 01/29/2014 that HSE's set of ten candles which HSE imports is not within the scope of the antidumping duty order on petroleum wax candles from the People's Republic of China (A-570-504).

2. Commerce determined that HSE's set of ten candles are outside the scope of the order because HSE's set of ten candles satisfies the criteria under 19 CFR 351.225(k)(2) that Commerce found relevant in defining a utility candle. Specifically, three of the (k)(2) criteria demonstrate that HSE's set of candles are outside the scope of the order:

#### Physical Characteristics

Utility candles are within a height parameter of 3.5 inches through 5 inches, a diameter of  $\frac{3}{4}$  inches, white in color, and unscented.

#### Expectation of the Ultimate Purchasers

The ultimate purchaser of a utility candle is looking for an economical, plain, white, unscented candle with a significant amount of burn time.

#### Ultimate Use of the Product

The ultimate use of a utility candle is for home or commercial use. In addition, because of their size, utility candles are not suitable for keeping foods warm as are tea lights.

Therefore, HSE's set of ten candles are not within the scope of the antidumping duty order on petroleum wax candles from the People's Republic of China.

3. For all entries of HSE's set of ten candles not within scope that remain unliquidated on or after  
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02/19/1986, CBP shall terminate suspension and liquidate entries of product not within scope which were entered, or withdrawn from warehouse, for consumption.

4. Refund any cash deposits and release any bonds relating to HSE's set of ten candles described above.

5. These instructions constitute notice of the lifting of suspension of liquidation of entries of HSE's set of ten candles entered, or withdrawn from warehouse, for consumption on or after 02/19/1986.

6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Unless instructed otherwise, for all other shipments of petroleum wax candles from the People's Republic of China not covered by paragraph 2 above, you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OV:EC.)

9. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party